

Message Text

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ACTION EB-08

INFO OCT-01 NEA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 /034 W
-----053131 311017Z /13

R 301206Z MAR 78

FM AMEMBASSY NEW DELHI

TO AMEMBASSY ROME

INFO SECSTATE WASHDC 553

AMCONSUL BOMBAY

LIMITED OFFICIAL USE NEW DELHI 4925

ROME FOR FAA

E.O. 11652: N/A

TAGS: EAIR, IN

SUBJECT: OPERATION IN INDIA OF BOEING 720 OWNED BY JET POWER, INC.
OF MIAMI - N419MA

1. EMBASSY HAS BEEN APPROACHED BY REPRESENTATIVES OF AIR EXPRESS, AN INDIAN COMPANY LOCATED IN BOMBAY, WHO SEEK THE EMBASSY'S ASSISTANCE IN OBTAINING APPROVAL FROM THE INDIAN DIRECTOR GENERAL OF CIVIL AVIATION (DGCA) FOR THE CONTINUED OPERATION IN INDIA OF A BOEING 720 (REGISTRATION N419MA) OWNED BY AN AMERICAN COMPANY, JET POWER INC. OF MIAMI, FLORIDA, AND OPERATING UNDER CHARTER TO AIR INDIA. AIR EXPRESS IS JET POWER'S LOCAL AGENT IN THIS ARRANGEMENT. THE PLANE IS USED ON CARGO FLIGHTS BETWEEN BOMBAY AND PERSIAN GULF CITIES.

2. APPARENTLY IN THE WAKE OF THE HUNS AIR AIRMANMIA CASE WHICH WHICH FAA ROME IS FAMILIAR (77 STATE 287639), DGCA HAS QUESTIONED THE APPROPRIATENESS OF USING THE JET POWER AIRCRAFT FOR "HIRE AND REWARD", I.E., THE CARRIAGE OF CARGO FOR THIRD PARTIES FOR
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REMUNERATION. DGCA HAS INFORMED AIR EXPRESS REPS THAT IT UNDERSTANDS THAT FAA EXERCISES NO JURISDICTION OVER THE COMMERCIAL OPERATIONS OF US-REGISTERED AIRCRAFT BETWEEN POINTS OUTSIDE THE UNITED STATES. THEY APPRENTLY ARE SEEKING TO ASSURE THAT THIS PARTICULAR AIRCRAFT COULD ENGAGE IN COMMERCIAL OPERATIONS IF IT WERE UNDER FAA JURISDICTION.

3. AS ONE CONSEQUENCE OF THE EXCHANGES BETWEEN AIR EXPRESS AND DGCA, AIR EXPRESS UNDERSTANDS THAT JET POWER IS APPLYING TO THE FAA IN THE UNITED STATES TO MOVE THE AIRCRAFT FROM COVERAGE UNDER PART 91 TO PART 121. THEY HOPE THIS WILL INFLUENCE THE DGCA DECISION IN THEIR FAVOR.

4. AS FURTHER EVIDENCE, THEY ASK FOR FAA CONFIRMATION THAT JET POWER INC., ADDRESS 4275 NW 77 AVENUE, MIAMI, IS CERTIFIED FOR THE COMMERCIAL OPERATION OF AIRCRAFT. THEY BELIEVE THAT THE ANSWER IS AFFIRMATIVE AND WILL USE SUCH AN ANSWER TO ARGUE THAT THE PLANE, WITH JET POWER AS OWNER, IS FIT FOR COMMERCIAL OPERATION IN INDIA AS WELL. THEY ASSURE US THAT PLANE HAS CURRENT AIRWORTHINESS CERTIFICATE.

5. IF THE ANSWER TO THE ABOVE QUERY IS NEGATIVE, THEY ASK WHETHER MOVING THE PLANE FROM PART 91 TO PART 121, AS JET POWER PROPOSES, WOULD HAVE ANY IMPACT ON THE BASIC QUESTION OF ITS USE IN INDIA.

6. AIR EXPRESS REPS SAID THEY WERE ESPECIALLY EAGER TO HAVE THE DGCA'S DOUBTS RESOLVED AS SOON AS POSSIBLE BECAUSE PLANS ARE ALREADY UNDER DISCUSSION FOR BRINGING IN TWO OR MORE ADDITIONAL JET POWER BOEINGS UNDER SIMILIMITED OFFICIAL USE

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LAR CHARTER ARRANGEMENTS.

7. COMMENT: THERE IS A CLEAR US COMMERCIAL INTEREST IN FOSTERING THE CHARTER OF US OWNED, US-MADE AIRCRAFT IN INDIA, PROVIDING FAA REGULATIONS ARE COMPLIED WITH. THE HUNS AIR CASE HAS LEFT A BAD AURA AND DGCA IS UNDERSTANDABLY CAUTIOUS. WE HOPE FAA CAN ANSWER THE QUESTIONS IN PARAS 4 AND 5 WITH SOME URGENCY AND WOULD WELCOME ANY FURTHER ADVISE THEY HAVE TO ASSIST US COMPANY REPS AS APPROPRIATE.
GOHEEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRCRAFT, FLIGHT CLEARANCES, LICENSES
Control Number: n/a
Copy: SINGLE
Draft Date: 30 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978NEWDE04925
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
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Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780139-1118
Format: TEL
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1978/newtext/t1978039/aaaaagwg.tel
Line Count: 105
Litigation Code IDs:
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e7d40fcb-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
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TAGS: EAIR, IN, US, AIR INDIA, JET POWER INC, AIR EXPRESS
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